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EXAMINER

JACKSON, JENISE E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/693,804	Applicant(s) DEEM ET AL.	
	Examiner JENISE E. JACKSON	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/09 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 22-26 are rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

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Here, applicant's method steps are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory.

4. Further, in regards to claims 22-26, although the pre-amble states "a system", the body of the claim is tied to software. In the specification on page 13, the developing program is a program such as Visual Studio and the programming interface is API(page 14 of spec). In order to overcome the 101, the Applicant must amend claims to show how the software is tied to hardware.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 3/9/09 was filed after the mailing date of the office action on 12/9/08. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wenocur et al(2003/0009694).

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8. As per claim 1, Wenocur et al. discloses a providing a programming interface for developing programs, the programming interface having multiple groups of types[0061, 0123, 0138] and including, a first group of types related to core file system concepts[0118]; a second group of types related to entities that a human being can contact[0712]; a third group of types related to documents[0104-0105]; a fourth group of types common to multiple kinds of media[0719, 0840]; a fifth group of types specific to audio media[0735]; a sixth group of types specific to video media[0719]; a seventh group of types specific to image media[0117]; an eighth group of types specific to electronic mail messages[0094]; and a ninth group of types related to identifying particular locations[0088], wherein the programming interface provides callable multiple functions, wherein each one of the multiple groups of types provides a corresponding set of related ones of the multiple functions[0122-0123, 0166].
9. As per claim 2, Wenocur et al. discloses a tenth group of types related to moving data between file systems[0095].
10. As per claim 3, Wenocur et al. discloses a tenth group of types related to creating and managing rules for generating notifications [0028].
11. As per claim 4, Wenocur et al. discloses a tenth group of types describing types defined in all the other groups of types[0118].
12. As per claim 5, Wenocur discloses a tenth group of types related to base types that form a foundation to support all the other groups of types[0018, 0123].
13. As per claim 6, Wenocur et al. discloses a tenth group of types common to multiple kinds of messages, including the electronic mail messages; and an eleventh group of types specific to facsimile messages[0065].

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14. As per claim 7, Wenocur discloses a tenth group of types related to annotations; and an eleventh group of types related to notes[0105-0108].

15. As per claim 8, Wenocur discloses a tenth group of types related to installed programs; and an eleventh group of types related to installed games[0779].

16. As per claim 9, Wenocur discloses a tenth group of types related to actions taken by a user; and an eleventh group of types related to maintaining and accessing help information[0797].

17. As per claim 10, Wenocur discloses a tenth group of types related to a natural language search engine[0831].

18. As per claim 11, Wenocur discloses a tenth group of types related to tasks in a user interface to let a user know what actions the user can perform when navigating the user interface[0127].

19. As per claim 12, Wenocur discloses a tenth group of types related to user tasks[0093].

20. As per claim 13, Wenocur discloses a tenth group of types related to services that can be accessed[0172].

21. As per claim 14, Wenocur discloses wherein the services can be accessed over a network[0090].

22. As per claim 15, Wenocur discloses a tenth group of types related to identifying access rights[0150].

23. As per claim 16, Wenocur discloses a tenth group of types related to calendar types[0086].

24. As per claim 17, Wenocur discloses a tenth group of types related to creating and

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managing event monitoring and resultant actions[0121].

25. As per claim 18, Wenocur discloses a tenth group of types used for interop for each of the first through ninth groups of types[1124].

26. As per claim 19, Wenocur discloses an additional group of types for each of the first through ninth groups of bytes, wherein each of the additional groups of types are for interop[1124].

27. As per claim 20, Wenocur discloses a tenth group of types related to files stored in a file system[0118].

28. As per claim 21, Wenocur discloses a tenth group of types related to a category hierarchy [1124].

29. As per claim 22, Wenocur discloses means for exposing via a programming interface for developing programs a first set of functions that represent core concepts of a file system of the system; means for exposing via the programming interface a second set of functions that enable maintaining information regarding entities that can be contacted; and means for exposing via the programming interface a third set of functions that allow document types to be accessed[0117-0118].

30. As per claim 23, Wenocur discloses means for exposing via the programming interface a fourth set of functions related to base types for a plurality of kinds of media; means for exposing via the programming interface a fifth set of functions related specifically to audio media; and means for exposing via the programming interface a sixth set of functions related specifically to video media[0719, 0735].

31. As per claim 24, Wenocur discloses means for exposing via the programming interface a

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seventh set of functions related specifically to image media[0117].

32. As per claim 25, Wenocur discloses means for exposing via the programming interface a fourth set of functions related specifically to electronic mail messages[0094].

33. As per claim 26, Wenocur discloses means for exposing via the programming interface a fourth set of functions that enable maintaining physical location information[0088].

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

34. Claims 27-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Lennon et al(2002/0152267).

35. As per claim 27, Lennon discloses a method of organizing a set of types for a file system in a program development computer system into a hierarchical namespace[0149], the file system being one of multiple groups of types included in a programming interface for developing programs, the method comprising: creating a plurality of groups from the set of types using the program development computer system[0085-0086], each group containing at least one type that exposes logically related functionality of the programming interface; assigning a name to each group in the plurality using the program development computer system, wherein one of the groups in the plurality includes functionality related to core concepts of the file system, wherein another of the groups in the plurality includes functionality related to entities that a human being can contact, wherein another of the groups in the plurality includes functionality related to document types that can be stored in the file system, and wherein another of the groups in the

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plurality includes functionality related to multiple kinds of media; and selecting a top level identifier and prefixing the name of each group with the top level identifier using the program development computer system so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type[0073-0080].

36. As per claim 28, Lennon discloses wherein another of the groups in the plurality includes functionality particularly for audio media, wherein another of the groups in the plurality includes functionality particularly for video media, and wherein another of the groups in the plurality includes functionality particularly for image media[0085, 0089].

37. As per claim 29, Lennon discloses wherein another of the groups in the plurality includes functionality related to electronic mail[0059].

38. As per claim 30, Lennon discloses wherein another of the groups in the plurality includes functionality related to maintaining physical location information[0071].

39. As per claim 31, Lennon discloses wherein the assigning comprises: assigning a name of Core to the group that includes functionality related to core concepts of the file system so that the hierarchical name for the group that includes functionality related to core concepts of the file system is System.Storage.Core[0148-0149]; assigning a name of Contacts to the group that includes functionality related to entities that a human being can contact so that the hierarchical name for the group that includes functionality related to entities that a human being can contact is System.Storage.Contacts[0175]; assigning a name of Documents to the group that includes functionality related to document types that can be stored in the file system so that the hierarchical name for the group that includes functionality related to document types that can be

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stored in the file system is System.Storage.Documents; and assigning a name of Media to the group that includes functionality related to multiple kinds of media so that the hierarchical name for the group that includes functionality related to multiple kinds of media is System.Storage.Media[0073-0080].

40. As per claim 32, Lennon discloses wherein the assigning comprises: assigning a name of Core to the group that includes functionality related to core concepts of the file system so that the hierarchical name for the group that includes functionality related to core concepts of the file system is System.Storage.Core[0148-0149]; assigning a name of Contact to the group that includes functionality related to entities that a human being can contact so that the hierarchical name for the group that includes functionality related to entities that a human being can contact is System.Storage.Contact[0175]; assigning a name of Document to the group that includes functionality related to document types that can be stored in the file system so that the hierarchical name for the group that includes functionality related to document types that can be stored in the file system is System.Storage.Document; and assigning a name of Media to the group that includes functionality related to multiple kinds of media so that the hierarchical name for the group that includes functionality related to multiple kinds of media is System.Storage.Media[0073-0080].

41. As per claim 33, Lennon discloses a method for organizing a file system in a program development computer system, the method comprising: creating a first namespace with functions that enable identification of particular physical locations using the program development computer system[0071]; and creating a second namespace with functions that enable identification of entities that can be contacted by a human being using the program development

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computer system[0075], wherein the first namespace and the second namespace are included in the file system, the file system being included in a programming interface[0071, 0075, 0122].

42. As per claim 34, Lennon discloses creating a third namespace using the program development computer system with functions that enable documents to be described [0149].

43. As per claim 35, Lennon discloses creating a third namespace using the program development computer system with functions specific to electronic mail messages[0094].

44. As per claim 36, Lennon discloses creating a third namespace using the program development computer system with functions common to multiple kinds of media; creating a fourth namespace using the program development computer system with functions specific to audio media; creating a fifth namespace using the program development computer system with functions specific to video media; and creating a sixth namespace using the program development computer system with functions specific to image media[0085, 0089].

45. As per claim 37, Lennon discloses creating a third namespace using the program development computer system with functions that are expected to be used by all other namespaces[0149].

46. As per claim 38, Lennon discloses one or more computer readable media having stored thereon a plurality of instructions that, when executed by a processor, cause the processor to: create a first namespace with functions that enable identification of particular physical locations[0071]; and create a second namespace with functions that are expected to be used by the first namespace and a plurality of additional namespaces[0075], wherein the first namespace, the second namespace, and the plurality of additional namespaces are defined to organize a file system, the file system being included in programming interface for developing programs[0122-

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0123].

47. As per claim 39, Lennon discloses wherein the instructions further cause the processor to: create a third namespace with functions that enable documents to be described; create a fourth namespace with functions that enable identification of entities that can be contacted by a human being; and create a fifth namespace with functions common to multiple kinds of media[0073-0080].

48. As per claim 40, Lennon discloses wherein the instructions further cause the processor to: create a sixth namespace with functions specific to audio media; create a seventh namespace with functions specific to video media; and create an eighth namespace with functions specific to image media[0085, 0089].

49. As per claim 41, Lennon discloses wherein the instructions further cause the processor to: create a third namespace with functions common to multiple kinds of media; create a fourth namespace with functions specific to audio media; create a fifth namespace with functions specific to video media; and create a sixth namespace with functions specific to image media[0073-0080, 0085, 0089].

50. As per claim 42, Lennon discloses calling one or more first functions using a program development computer system that enable documents to be described; and calling one or more second functions using the program development computer system that are core functions expected to be used by the one or more first functions as well as a plurality of additional functions[0075], wherein the one or more first functions, the one or more second functions, and the plurality of additional functions are defined to organize a file system in the program development computer system, the file system being included in a programming interface[0122-

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0123].

51. As per claim 43, Lennon discloses calling one or more third functions common to multiple kinds of media using the program development computer system[0073-0080].

52. As per claim 44, Lennon discloses calling one or more fourth functions specific to audio media using the program development computer system; calling one or more fifth functions specific to video media using the program development computer system; and calling one or more sixth functions specific to image media using the program development computer system[0085, 0089].

53. As per claim 45, Lennon discloses calling one or more third functions using the program development computer system that enable identification of entities that can be contacted by a human being[0175]; and calling one or more fourth functions using the program development computer system that enable identification of particular physical locations[0071].

54. As per claim 46, Lennon discloses calling one or more third functions specific to electronic mail messages using the program development computer system[0094].

55. As per claim 47, Lennon discloses receiving one or more calls to one or more first functions using a program development computer system that enable identification of entities that can be contacted by a human being[0175]; and receiving one or more calls to one or more second functions that are core functions expected to be used by the one or more first functions as well as a plurality of additional functions using the program development computer system[0075], wherein the one or more first functions, the one or more second functions, and the plurality of additional functions are defined to organize a file system in the program development computer system, the file system being included in a programming interface[0122-

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0123].

56. As per claim 48, Lennon discloses receiving one or more calls using the program development computer system to one or more third functions that enable documents to be described; receiving one or more calls using the program development computer system to one or more fourth functions common to multiple kinds of media[0073-0080]; and receiving one or more calls using the program development computer system to one or more fifth functions that enable identification of particular physical locations[0071].

57. As per claim 49, Lennon discloses receiving one or more calls using the program development computer system to one or more sixth functions specific to audio media; receiving one or more calls using the program development computer system to one or more seventh functions specific to video media; receiving one or more calls using the program development computer system to one or more eighth functions specific to image media[0085, 0089]; and receiving one or more calls using the program development computer system to one or more ninth functions specific to electronic mail messages[0094].

58. As per claim 50, Lennon discloses when executed by a processor, cause the processor to: receive one or more calls to one or more first functions that enable identification of entities that can be contacted by a human being[0175]; and receive one or more calls to one or more second functions common to multiple kinds of media[0073-0080], wherein the one or more first functions and the one or more second functions are defined to organize a file system, the file system being included in a programming interface for programming programs[0122-0123].

59. As per claim 51, Lennon discloses wherein the instructions further cause the processor to: receive one or more calls to one or more third functions that are core functions expected to be

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used by the one or more first functions, the one or more second functions, and a plurality of additional functions[0094].

60. As per claim 52, Lennon discloses wherein the instructions further cause the processor to: receive one or more calls to one or more third functions that enable identification of particular physical locations[0071]; receive one or more calls to one or more fourth functions that enable documents to be described; and receive one or more calls to one or more fifth functions specific to electronic mail messages[0094].

61. As per claim 53, Lennon discloses wherein the instructions further cause the processor to: receive one or more calls to one or more third functions specific to audio media; receive one or more calls to one or more fourth functions specific to video media; and receive one or more calls to one or more fifth functions specific to image media[0085, 0089].

Response to Amendment

62. The Applicant filed a request for reconsideration on 3/9/09. The Applicant has amended claims 1-27 and 33-53. Applicant's arguments filed 3/9/09 have been fully considered but they are not persuasive.

63. The Applicant states that Wenocur does not disclose providing a programming interface for developing programs. The Examiner disagrees with the Applicant. Wincer discloses that the StoryMail.TM may utilize data structures, instructions, codes and methods[0061]. Wenocur discloses that one of the pieces that works to build the story is the composition engine which has an application programming interface[0123]. Wenocur discloses the composition engine performs one-time processing of the procedural format of the information, such as computer program instructions [0125]. Wenocur discloses applications can include a storyteller, and

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email, and other applications, and each of these applications includes a run-time model, a compiler, and an application programming interface[0123]. Wenocur discloses the applications residing on clients, can use the API functions by making calls directly or indirectly to the API over the network[0122-0123, 0166].

64. The Applicant states that Lennon does not disclose a programming interface for developing programs. The Examiner disagrees with the Applicant. Lennon discloses the preferred arrangement assumes that all descriptions of multimedia items conform to a schema, and that schemas are expressed or represented using the W3C schema language, XML Schema. Individual descriptions are represented using XML document instances. XML Schemas are also represented as XML documents. Therefore, Lennon discloses the descriptions (eg. of multimedia items) can be stored along with their respective schemas in XML repositories or object stores[0071-0072]. Thus the schema language of Lennon is used to develop programs by declaring namespaces[0073].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2439

May 20, 2009

/J. E. J./
Examiner, Art Unit 2439